

SHB 1605 - S COMM AMD

By Committee on Water, Energy & Telecommunications

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
4 RCW to read as follows:

5 (1) The definitions in this subsection apply throughout this  
6 section unless the context clearly requires otherwise.

7 (a) "North shore" means a contiguous geographic area that is  
8 bordered by:

9 (i) The north shoreline of Hood Canal;

10 (ii) Northeast north shore road;

11 (iii) Northeast shore road;

12 (iv) Northeast state route number 300;

13 (v) The line starting at the intersection of quail ridge drive and  
14 northeast north shore road at Bald Point and running directly  
15 perpendicular to Hood Canal; and

16 (vi) The line starting at the intersection of northeast state route  
17 number 300 and old Belfair highway in Belfair and running directly  
18 perpendicular to Hood Canal.

19 (b) "South shore" means a contiguous geographic area that is  
20 bordered by:

21 (i) The south shoreline of Hood Canal;

22 (ii) East state route number 106;

23 (iii) Main street in the community known as Union; and

24 (iv) The line starting at the intersection of east state route  
25 number 106 and east state route number 3 and running directly  
26 perpendicular to Hood Canal.

27 (2) The development of a system of sewerage or the extension of an  
28 existing system of sewerage, as defined in RCW 35.67.010 and 36.94.010,  
29 to serve areas outside a designated urban growth area within aquatic

1 rehabilitation zone one, as defined in RCW 90.88.010, is permitted when  
2 the area serviced by such a development or extension is:

3 (a) Within north shore or south shore; or

4 (b) One hundred horizontal linear feet or less landward of north  
5 shore or south shore.

6 (3) Sewerage service, as provided in subsection (2) of this  
7 section, is limited to:

8 (a) Commercial and residential development in existence on the  
9 effective date of this section; or

10 (b) Undeveloped legally platted commercial or residential  
11 properties, as they are legally platted on the effective date of this  
12 section subject to local land use regulations on development of  
13 contiguous lots under common ownership.

14 (4)(a) A sewerage system and extension, as provided in subsection  
15 (2) of this section:

16 (i) May be joined with an existing sewerage system servicing an  
17 urban growth area, as defined in RCW 36.70A.030, provided that the  
18 service area defined by the new sewerage system or extension is  
19 contiguous to an urban growth area; and

20 (ii) Must have the capacity to meet all existing, applicable  
21 sewerage treatment standards, and have all known, available, and  
22 reasonable methods of nitrogen removal.

23 (b) The sewerage system or extension of an existing sewerage system  
24 located outside of an urban growth area must be sized to be no larger  
25 than needed to serve the development and properties eligible for  
26 service in subsection (3) of this section.

27 (5) For purposes of this chapter, the development or extension of  
28 a system of sewerage outside an existing urban growth area does not  
29 provide a basis for designation of that area as urban, nor does it  
30 provide a basis for rezoning of the served area to allow development at  
31 a greater density than that which existed before the system of sewerage  
32 was created or extended.

33 **Sec. 2.** RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read  
34 as follows:

35 (1) Each county that is required or chooses to plan under RCW  
36 36.70A.040 shall designate an urban growth area or areas within which  
37 urban growth shall be encouraged and outside of which growth can occur

1 only if it is not urban in nature. Each city that is located in such  
2 a county shall be included within an urban growth area. An urban  
3 growth area may include more than a single city. An urban growth area  
4 may include territory that is located outside of a city only if such  
5 territory already is characterized by urban growth whether or not the  
6 urban growth area includes a city, or is adjacent to territory already  
7 characterized by urban growth, or is a designated new fully contained  
8 community as defined by RCW 36.70A.350.

9 (2) Based upon the growth management population projection made for  
10 the county by the office of financial management, the county and each  
11 city within the county shall include areas and densities sufficient to  
12 permit the urban growth that is projected to occur in the county or  
13 city for the succeeding twenty-year period, except for those urban  
14 growth areas contained totally within a national historical reserve.

15 Each urban growth area shall permit urban densities and shall  
16 include greenbelt and open space areas. In the case of urban growth  
17 areas contained totally within a national historical reserve, the city  
18 may restrict densities, intensities, and forms of urban growth as  
19 determined to be necessary and appropriate to protect the physical,  
20 cultural, or historic integrity of the reserve. An urban growth area  
21 determination may include a reasonable land market supply factor and  
22 shall permit a range of urban densities and uses. In determining this  
23 market factor, cities and counties may consider local circumstances.  
24 Cities and counties have discretion in their comprehensive plans to  
25 make many choices about accommodating growth.

26 Within one year of July 1, 1990, each county that as of June 1,  
27 1991, was required or chose to plan under RCW 36.70A.040, shall begin  
28 consulting with each city located within its boundaries and each city  
29 shall propose the location of an urban growth area. Within sixty days  
30 of the date the county legislative authority of a county adopts its  
31 resolution of intention or of certification by the office of financial  
32 management, all other counties that are required or choose to plan  
33 under RCW 36.70A.040 shall begin this consultation with each city  
34 located within its boundaries. The county shall attempt to reach  
35 agreement with each city on the location of an urban growth area within  
36 which the city is located. If such an agreement is not reached with  
37 each city located within the urban growth area, the county shall  
38 justify in writing why it so designated the area an urban growth area.

1 A city may object formally with the department over the designation of  
2 the urban growth area within which it is located. Where appropriate,  
3 the department shall attempt to resolve the conflicts, including the  
4 use of mediation services.

5 (3) Urban growth should be located first in areas already  
6 characterized by urban growth that have adequate existing public  
7 facility and service capacities to serve such development, second in  
8 areas already characterized by urban growth that will be served  
9 adequately by a combination of both existing public facilities and  
10 services and any additional needed public facilities and services that  
11 are provided by either public or private sources, and third in the  
12 remaining portions of the urban growth areas. Urban growth may also be  
13 located in designated new fully contained communities as defined by RCW  
14 36.70A.350.

15 (4) In general, cities are the units of local government most  
16 appropriate to provide urban governmental services. In general, it is  
17 not appropriate that urban governmental services be extended to or  
18 expanded in rural areas except in those limited circumstances shown to  
19 be necessary to protect basic public health and safety and the  
20 environment and when such services are financially supportable at rural  
21 densities and do not permit urban development, except as provided in  
22 section 1 of this act.

23 (5) On or before October 1, 1993, each county that was initially  
24 required to plan under RCW 36.70A.040(1) shall adopt development  
25 regulations designating interim urban growth areas under this chapter.  
26 Within three years and three months of the date the county legislative  
27 authority of a county adopts its resolution of intention or of  
28 certification by the office of financial management, all other counties  
29 that are required or choose to plan under RCW 36.70A.040 shall adopt  
30 development regulations designating interim urban growth areas under  
31 this chapter. Adoption of the interim urban growth areas may only  
32 occur after public notice; public hearing; and compliance with the  
33 state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110.  
34 Such action may be appealed to the appropriate growth management  
35 hearings board under RCW 36.70A.280. Final urban growth areas shall be  
36 adopted at the time of comprehensive plan adoption under this chapter.

37 (6) Each county shall include designations of urban growth areas in  
38 its comprehensive plan.

1           (7) An urban growth area designated in accordance with this section  
2 may include within its boundaries urban service areas or potential  
3 annexation areas designated for specific cities or towns within the  
4 county."

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5           On page 1, line 2 of the title, after "one;" strike the remainder  
6 of the title and insert "amending RCW 36.70A.110; and adding a new  
7 section to chapter 36.70A RCW."

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